



PAUL J. PASCUZZI, State Bar No. 148810
JASON E. RIOS, State Bar No. 190086
THOMAS R. PHINNEY, State Bar No. 159435
FELDERSTEIN FITZGERALD
WILLOUGHBY PASCUZZI & RIOS LLP

The following constitutes the order of the Court.
Signed: December 11, 2023

500 Capitol Mall, Suite 2250
Sacramento, CA 95814
Telephone: (916) 329-7400
Facsimile: (916) 329-7435
ppascuzzi@ffwplaw.com
jrios@ffwplaw.com
tphinney@ffwplaw.com

Charles Novack
U.S. Bankruptcy Judge

Attorneys for
The Roman Catholic Bishop of Santa Rosa

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SANTA ROSA DIVISION

In re:

THE ROMAN CATHOLIC BISHOP OF
SANTA ROSA,

Debtor In Possession.

Case No. 23-10113

Chapter 11

Date: November 17, 2023
Time: 11:00 a.m.
Location: 1300 Clay Street, Ctrm. 215
Oakland, CA 94612
[In person or via Zoom]

Judge: Hon. Charles Novack

**SUPPLEMENTAL ORDER REFERRING CASE TO
MEDIATION AND APPOINTING MEDIATOR**

On December 4, 2023, the court entered an Order Referring Case to Mediation and Appointing Mediator (Dkt. No. 529) ("Mediation Order"). The Mediation Order granted the motion of The Roman Catholic Bishop of Santa Rosa, debtor in possession (the "Debtor"), with the support of the Official Committee of Unsecured Creditors (the "Committee"), in consultation with the Debtor's insurers and other interested parties ("Mediation Parties")¹ for entry of an order pursuant to sections 105(a), 363(b), 502(b) and 541 of title 11 of the United States Code (the "Bankruptcy Code"), and Federal Rule of Bankruptcy Procedure ("FRBP") 1001 referring certain

¹ Additional parties may participate in the Mediation and will be bound by the terms of this Order.

1 Mediation Parties (described in the Mediation Order)² to a mediation of the Mediation Matters
2 described in the Mediation Order. The Mediation Order appointed Hon. William L. Bettinelli
3 (Ret.) (“Judge Bettinelli”) as mediator for issues between the Committee and the Debtor
4 (“Mediator”). The Mediation Order provides at ¶ 2.C and 2.D that, after further meet and confer
5 between the parties, the court would enter a supplemental order appointing a second mediator
6 (“Insurance Mediator,” and collectively with the Mediator, the “Mediators”). Having been
7 apprised that the Debtor and certain of the insurers³ support the nomination of Janet R. Fields as
8 the second mediator, and that the Committee does not object to the nomination, and having
9 considered the “Declaration of Janet R. Fields in Support of Debtor’s Motion for Entry of an Order
10 Referring Parties to Global Mediation, Appointing Mediator and Granting Related Relief” filed
11 on December 7, 2023 (Dkt. No. 535), the Court being sufficiently advised, and having determined
12 that good cause exists for entry of this order;

13 IT IS HEREBY ORDERED:

14 1. Employment and Compensation of Janet R. Fields. Pursuant to section 327(a) of
15 the Bankruptcy Code, the Debtor is authorized to employ Janet R. Fields (“Ms. Fields”) as
16 mediator in this Chapter 11 Case relating to “Insurance Issues” as described in ¶ 2.C of the
17 Mediation Order, and Ms. Fields is hereby authorized to perform any and all such necessary and
18 appropriate mediation services for the Debtor in this case. The Insurers shall pay for half the cost
19 of Ms. Field’s approved fees and expenses.⁴

20 2. Upon entry of an order appointing Ms. Fields as mediator, Ms. Fields as a
21 “Permitted Party” pursuant to the Claims Bar Date Order (Dkt. No. 327 at ¶ 15(d)) will execute a
22

23 ² Capitalized terms used herein but not defined shall have the meaning set forth in the Motion filed
on October 20, 2023 at Dkt. No. 479.

24 ³ Pacific Indemnity Company and Century Indemnity Company, as successor to CCI Insurance
25 Company, as successor to Insurance Company of North America did not consent.

26 ⁴ The Insurers include, but are not necessarily limited to, Pacific Indemnity Company and Century
27 Indemnity Company, as successor to CCI Insurance Company, as successor to Insurance Company
28 of North America; Lloyd’s Underwriters and certain London Market Companies; Interstate Fire
and Casualty Company, Fireman’s Fund Insurance Company, and National Surety Corporation;
Zurich America Insurance Company, as successor to Northern Insurance Company of New York;
Westport Insurance Corporation, formerly known as Employers Reinsurance Corporation; The
Catholic Mutual Relief Society of America; and Saint Paul Surplus Lines.

1 confidentiality agreement and be provided access by the Debtor to the Survivor Proofs of Claim.
2 Ms. Fields will promptly review the claimants for conflicts and connections, and within 10 days
3 of the date of this order shall file a supplemental declaration disclosing additional relevant
4 connections, if any.

5 3. Ms. Fields shall charge the Debtor's estate for her legal services in accordance with
6 her hourly rate as set forth in her Declaration, and Ms. Fields shall maintain detailed records of all
7 actual, necessary and appropriate costs and expenses incurred in connection with the
8 aforementioned professional services.

9 4. Ms. Fields shall be compensated upon appropriate application in accordance with
10 sections 330 and 331 of the Bankruptcy Code, and applicable provisions of the Bankruptcy Rules,
11 and Local Rules. Ms. Fields may also use the monthly basis process for payment of professional
12 fees and expenses. Dkt. No. 243 (Order dated June 8, 2023 Establishing Procedures and
13 Authorizing payment of Professional Fees and Expenses on a Monthly Basis). Once compensation
14 is allowed, the Debtor is authorized to pay 50%.

15 5. The costs and expenses incurred by Ms. Fields shall be reimbursed in conformity
16 with applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules.
17 Once costs and expenses are approved, the Debtor is authorized to pay 50%.

18 6. All other terms and provisions of the Mediation Order apply in full to this
19 Supplemental Order.

20 7. The Court retains discretion to modify any aspect of this Order and retains exclusive
21 jurisdiction to hear and determine all matters arising from the implementation or interpretation of
22 this Order.

23 APPROVED AS TO FORM.

24 STINSON, LLP

25 /s/ Robert T. Kugler
26 Robert T. Kugler
27 Attorneys for the Official Committee
28 of Unsecured Creditors

*** END OF ORDER ***

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Court Service List

No service required.